IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.13782 of 2006

Dated: July 10, 2006

Between:

Narala Venkata Ramana, S/o. Appanna,
aged about 37 years, Cultivation, Pandravada
village, Samalkot Mandal, East Godavari District,
and another.

… Petitioner

And

The District Collector, East Godavari District,
Kakinada, and others.

… Respondents

Order:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the second respondent in not considering the representation of the petitioner dated 22-06-2006 as arbitrary and illegal and also questioning the authority of the third respondent society in seeking to catch fish in the PWD tank in Pandravada village.

2. Petitioners are the residents of Pandravada village, Samalkot

Mandal, East Godavari District. It is their case that there is a PWD tank spread over Ac.50.00 cents in their village. It is stated that during the year 2004, about 25 villagers formed the third respondent society and obtained lease of the said tank from the Fisheries Department and have been catching fish. The grievance of the petitioner is that the members of the third respondent are depriving other villagers of their share of income. Aggrieved thereby, the petitioners are said to have made a representation dated 22-06-2006 to the respondents. It is alleged that no action whatsoever has been taken on the said representation.

3. During the course of hearing, learned counsel for the petitioners fairly concedes that the PWD tank referred above is within the area of operation of the third respondent society. Learned counsel submits that the petitioners are poor and though they sought membership of the third respondent society, they are not being allowed without any valid reason.

4. If there is rejection of membership in the third respondent society, a body constituted under the provisions of the Andhra Pradesh Co-operative Societies Act, 1964 ('the Act' for brevity), the petitioners have recourse by way of appeal and revision. There is also a mechanism whereby an eligible member, who is denied membership without any reason, can make an application to the Assistant Director of Fisheries. Even without making the Assistant Director of Fisheries, who is the functional registrar for these kinds of societies, a party, the writ petition has been filed questioning the authority of the third respondent in catching fish. So long as Pandravada village is within the area of operation of the third respondent, it is open for the members of the said society to carry on fishing activities in accordance with the

provisions of the Act and the rules framed thereunder. The petitioners do not have any right to question the same.

5. The writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY.

July 10, 2006
MRR